

FAQs - Affordable Care Act

What do we know about this law?

- Clemson University, as well as every university nationwide, must comply with this federal law.
- Every University is facing challenges without answers or clear guidance from the government.
- Clemson is working with internal and external attorneys on state and federal requirements.
- Clemson will discover issues that we are not currently aware of -- we will have to work these out as we go.
- The government has not yet agreed to exempt students (undergraduate/graduate) from this law.
- The government is requiring us to track hours for anyone working less than 30 hours per week.
- Clemson will continue to advocate for specific guidance in the law for higher education.

What does Affordable Care Act (ACA) mean to Clemson University?

Effective immediately regarding graduate assistants:

- Clemson University graduate assistants are limited to working a **cumulative total of 28 hours of paid service per week**. The 28 hours of paid service is **cumulative of all positions** the student holds, not just the assistantship.
- The amount of financial support previously awarded in the assistantship **will not change**.
- If an assistantship offer was for less than 28 hours of paid service per week, that individual is capped at the hours included in the offer.
- International student workers are still limited to working a **cumulative total of 20 hours of paid service per week** and are **capped at 28 hours per week during holidays and summer**.
- **Actual paid service hours worked per day in each assistantship must be tracked** to record actual hours worked in compliance with the ACA (not for compensation purposes). Work hours must be monitored by the supervisor or designee on a weekly basis.
- Working beyond the 28 paid service hours (or 20 hours) cap per week and/or failing to record their actual hours worked **will result in disciplinary action**.

More information will be provided later about other groups of workers.

Who is impacted by this?

This includes anyone paid by Clemson.

- Undergraduate, graduate, and international students
- Temporary and part-time faculty and staff

Why is Clemson treating students (undergraduate, graduate, and international) as regular employees?

Unlike many other employment laws, the ACA is currently not making a distinction on students working at a university. Until the government allows an exemption for students, Clemson has a legal responsibility under the ACA.

What is a cap?

Paid service hours for undergraduate and graduate students will be capped at 28 paid hours of service per week. The [current graduate student policy eligibility](#) states that the maximum workload for graduate students is 30 hours per week;

therefore, the maximum of graduate student paid service hours are being reduced by 2 hours per week. See below for definition of “paid service hours”.

How are “paid service hours” defined?

For purposes of this communication, “paid service hours” shall mean each hour for which the individual is paid or entitled to payment for the performance of his or her duties as directed or assigned by their supervising faculty or staff member. Note that “paid service hours” do not include **independent, unpaid effort** required to maintain academic progress, professional development, or to complete a dissertation or thesis. **Hours devoted to academic progress are not capped.**

Why do we have to cap hours every week since the law provides an option to average over the measurement period?

Clemson, in consultation with internal and external attorneys, has evaluated the risk and determined that the risk and associated cost of potential penalties due to non-compliance is too high to provide the option to average hours at this time. There are multiple challenges to consider under this law such as: two measurement periods to track hours, employment breaks, lump sum payments, dual employment, and multiple jobs. Clemson is continuing to explore resources to assist with reporting and to further explore the potential of averaging hours. Clemson will continue to listen to specific and unique situations and reconsider as appropriate.

Why can’t graduate students use their student insurance to meet this requirement?

To date, only self-funded student health plans have been confirmed to offer the “minimum essential coverage”. The University student health coverage is not self-funded, meaning the University does not assume risk for payment of claims. ***Clemson is continuing to work with the vendor to address this concern.***

Why can’t graduate students use their parent’s coverage to meet the employer requirements under ACA?

The ACA requires that the employer offer all full-time employees health insurance coverage, regardless of other coverage they may have.

Why do graduate assistants need to track hours for ACA?

The ACA requires Clemson to report on actual hours worked which also determines benefits eligibility for coverage.

What is a measurement “look back” period?

There are two types of measurement periods referenced under ACA as defined below:

- **Annual Measurement Period**
 - o Annual review to determine if an employee is working 30 or more hours weekly and would be eligible for health insurance the following calendar year.
 - o The annual measurement period at the University will be October 4th – October 3rd each year, beginning with October 4, 2013.
 - o Benefits eligibility for health insurance coverage in January 2015 will be based on the actual hours employees work October 4, 2013 through October 3, 2014.
- **Initial Measurement Period:**
 - o New hires as of October 4, 2013 will have an additional look back period called their initial measurement period.
 - o The initial measurement period begins the first of the month after their hire date and runs for 12 months.

- o If a new hire is measured working 30 or more hours per week in either the initial or annual measurement period, the University must offer them health insurance coverage.

Who determines the annual measurement “look back” period?

The Public Employee Benefits Authority (PEBA) established the look back period. PEBA is the governing body for state insurance and retirement benefits. Since Clemson University is a state participating entity, we are required to follow their guidelines pertaining to the insurance benefits.

Which employees need to track hours and how?

- Below is a summary of positions impacted and the method to capture their hours worked:
 - o All Graduate Assistants: Enter paid service hours worked in a tracking system
 - o Other student workers: Additional information to be provided later
 - o Part-time temporary positions: Additional information to be provided later

Why is the University offering full family health coverage if the law only requires employers to offer coverage for enrollee and eligible dependents?

The Public Employee Benefits Authority (PEBA) requires that we offer all coverage levels to include enrollee, enrollee/children, enrollee/spouse, and full family.

How does this impact employees currently enrolled in state health insurance?

It does not. Employees already enrolled in the active employee state health insurance benefits do not need to take any action.